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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/616,178	07/08/2003	Dennis M. Brown	A-71462/RFT/THR (468899-3	1122	
7590 10/24/2005		EXAMINER			
Traci H. Ropp for Richard F. Trecartin			DESAI, RITA J		
Dorsey & White					
Intellectual Property Department			ART UNIT	PAPER NUMBER	
Four Embarcadero Center, Suite 3400			1625		
San Francisco, CA 94111-4187			DATE MAILED: 10/24/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
		10/616,178	BROWN, DENNIS M.			
Office Action Sumn	nary	Examiner	Art Unit			
		Rita J. Desai	1625	l		
The MAILING DATE of this of Period for Reply	communication app	ears on the cover sheet with the	correspondence a	ddress		
A SHORTENED STATUTORY PE WHICHEVER IS LONGER, FROM - Extensions of time may be available under the after SIX (6) MONTHS from the mailing date of - If NO period for reply is specified above, the m - Failure to reply within the set or extended period - Any reply received by the Office later than three armed patent term adjustment. See 37 CFR	I THE MAILING DA e provisions of 37 CFR 1.13 of this communication. naximum statutory period w od for reply will, by statute, ee months after the mailing	ATE OF THIS COMMUNICATION B6(a). In no event, however, may a reply be ting The state of the st	N. mely filed the mailing date of this of (35 U.S.C. § 133).			
Status						
	2b)⊠ This ondition for allowar	oril 2005. action is non-final. nce except for formal matters, profix parte Quayle, 1935 C.D. 11, 4		e merits is		
Disposition of Claims						
	is/are withdrave/ed. ejected. ed to. to restriction and/or to by the Examiner is/are: a) access any objection to the coincluding the correction	relection requirement. r. epted or b) objected to by the drawing(s) be held in abeyance. Se on is required if the drawing(s) is objected to by the drawing(s) is objected to by the drawing(s) be held in abeyance.	e 37 CFR 1.85(a). jected to. See 37 C	, ,		
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing 3) Information Disclosure Statement(s) (PTO Paper No(s)/Mail Date 4/6/2005.		4) Interview Summary Paper No(s)/Mail D 5) Notice of Informal F 6) Other:	ate	O-152)		

Application/Control Number: 10/616,178

Art Unit: 1625

DETAILED ACTION

Claims 3-7, 15-22 are pending.

Claim Rejections - 35 USC § 103

The rejection of claims 5-7, 15-21 still stands over Brana et al US 5420137 and Brana II 5552544.

Examiner is now also including claim 22.

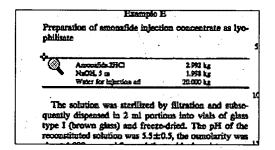
Applicants arguments are not found to be convincing.

The rejection has been modified.

Drug development and Industrial pharmacy (1995) Torres et al clearly teaches the amonafide 2HCl and also that it is highly hygroscopic. (see last paragraph on page 186).

Also see the conclusions that amonafide 2HCl has bad flow properties and low compressibility, along with the fact that it is hygroscopic, would make it obvious and convenient to make its aqueous solution to make inject able solution.

Brana'137 teaches the inject able solutions see example E in column 3 of the reference.



It uses water for the injection ad. It also uses the NaOH. Even though it teaches the monohydrochloride the dihydrochloride which is hygroscopic can obviously be made in the same way.

Art Unit: 1625

The pH of the solution is 5.5 + or - .5 which comes to about 6.

Thus the process for the monohydroclide is given, one of skill in the art would have found it obvious to use the same process for the 2HCl amonafide.

The limitations of claims 15-22 are clearly met.

The Brana '137 teaches a process of making the amonafide hydrochloride by adding hydrochloride dropwise and stirring vigorously. Since there are 2 ammonium groups, it would be obvious that if one stirred it for a longer time it would yield the dihydrochloride salt.

Conclusion

Only claims 3 and 4 are found to be allowable since the prior art does not teach using the ammonium formate to make it.

Claims 15-22 are rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita J. Desai whose telephone number is 571-272-0684. The examiner can normally be reached on Monday - Friday,9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/616,178 Page 4

Art Unit: 1625

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Rita J. Desai Primary Examiner Art Unit 1625

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R.D. October 20, 2005